

**January 10, 2012
Medway Planning and Economic Development Board
Medway Middle School – School Committee Room
45 Holliston Street
Medway, MA 02053**

BOARD MEMBERS PRESENT: Andy Rodenhiser, Bob Tucker, Karyl Spiller-Walsh, Tom Gay, and Chan Rogers

ABSENT WITH NOTICE:

ABSENT WITHOUT NOTICE:

ALSO PRESENT: Susy Affleck Childs, Planning and Economic Development Coordinator
Amy Sutherland, Meeting Recording Secretary
Gino Carlucci, PGC Associates Consultant
Dave Pellegrini, Tetra Tech Rizzo

The Chairman opened the meeting at 7:00 pm.

The Chairman asked for any citizen comments. There were none.

Private Way Standards:

The Board was in receipt of the revised draft copy dated January 6, 2012 entitled “Ideas for Private Way Standards. (See Attached)

The document contains the suggestions from Medway Planning and Economic Development Board members along with recommendations from Tetra Tech Rizzo consultant, Dave Pellegrini and Tom Holder the Department of Public Works Director. The ideas were collected during several work sessions.

Department of Public Works Director Tom Holder was also present to provide his thoughts relative to the Private Way Standards.

The Board discussed that there needs to be clarity for the proposed small/large private way condo developments. It was suggested that this could be clarified by including definitions. The cul-de-sacs were discussed next. Dave Pellegrini indicated that the minimum size must be 100. It was suggested that it be changed to 110 but after further discussion the consensus was to leave it at 120. There was also a suggestion to leave a buffer for encroachment. There was also a suggestion that the tear-drop would allow for flexibility. There will be language added about the turn around.

The next section discussed was the vertical clearance. Dave Pellegrini communicated with the Fire Chief and he feels that 14 feet is sufficient. Dave also checked with the Town of Franklin and their standard is 14 feet. The Board would like to make sure there is room for utility lines.

The Road Composition & Materials section was discussed. The Board wants to make sure that the standard is referenced along with adding language indicating as approved by the Board.

In the sidewalk section of the standards, the Board recommended taking out the words as determined by the consulting engineer when there is a safety hazard. It may not always be just a safety factor.

The Board recommends that the design speed remain at 25 mph.

There needs to be a discussion about where does the town draw the line with the connections for the respective sewer and water lines. at the property line or at the connection point.

DPS Director Tom Holder has taken a strong stance that they are not responsible for the sewer lines going into the private ways. The private way roads will have water and sewer private and be maintained through the homeowners association. The town will own the water line up to the property where the private road begins. The sewer line will be owned up to the connection by the property owner. This way the town is not responsible and the property owner has control of what goes into the sewer pipe.

Tom Holder indicated that the Town is responsible for the quality of the water whether the water line is publically or privately owned.

The Board discussed that all of the language of the water and sewer maintenance will be written out so that all members know who is responsible. The town does not have the right to enter easements for private ways. The Board would like the policy regarding this referenced within the decisions.

The Board will continue working on the private way standards.

Economic Development Committee Priorities and Plans:

There were two members of the Economic Development Committee present at the meeting: Chairman, Ray Himmel and member Kent Scott.

The purpose of their presence at the meeting was to explain the priorities and plans for the Economic Development Committee.

The Board watched the PowerPoint presentation. **(See Attached)**

The EDC members each took one or two of the six priorities and will work in subgroups to accomplish the priorities. The subcommittees will provide a status update.

The presentation focused on the six priorities which included:

1. Marketing:

The marketing will include listing properties which are available to potential buyers.

2. Oak Grove Bottle Cap lots:

The priority is to advocate, plan and attract large real estate companies and list the lots so that developers know what is available.

3. Website:

The subcommittee will make the website more interactive along with listing the properties online and having a single contact person.

4. Promote Medway Externally:

Work at attracting businesses externally.

5. Promote Medway Internally:

The main priority would be to work with the existing companies and make sure they stay in Medway. The sub-committee would communicate to developers how it is to have a business in town.

6. Bylaw Improvements:

The subcommittee would work on identifying changes in the rules and regulations and Zoning Bylaw which address parking, signs and mixed use to make Medway more business friendly.

This presentation will be given to the Board of Selectmen on January 18th and will be incorporated into the EDC's 2011 annual report.

The Board next discussed the job description for adding economic development staff. This was covered with Options A and B. Option A is having a staff person working exclusively on economic development. Some towns have a person on town payroll that are doing this full time. The Committee feels that getting a person who represents Medway is important to increase economic development.

All were in agreement that it is not in the town's best interest to share a person with another town.

Option B included hiring an independent contract person instead of an in-house person

Kent Scott noted that there two different forms of measurement. How much are we going to get from a consultant? This will need to be discussed further.

On a motion made by Chan Rogers and seconded by Bob Tucker, the Board voted unanimously to support the Economic Development Committee with their priorities and plans.

Proposed 2012 Annual Town Meeting Warrant Articles:

The Board is in receipt of a memorandum from Susy Affleck-Childs dated January 6, 2012. (See Attached) This memo covers the various proposed warrant articles:

- Street Acceptance (Claybrook II, Hartney Acres)

- Zoning Bylaw Amendments
 1. Rezone Area West of I-495 from AR1 to Ind. III.
 2. Allow home based businesses in Commercial III and IV.
 3. Allow accessory family dwelling units in Commercial III and IV

- Other recommended Zoning Articles:
 1. OSRD revisions
 2. Affordable Housing
 3. New – Estate/backLots
 4. New Definitions
 5. Revisions to Flood Plain section

Draft amendments for the OSRD and Affordable Housing Sub-Sections of the Medway Zoning Bylaw were included in the board packet. These will be discussed at a workshop meeting.

Energy Committee:

Chairman Rodenhiser informed the Board that the Planning and Economic Development Board needs to appoint a member to the Energy Committee. This committee meets the third Wednesday of the month.

On a motion made by Tom Gay and seconded by Karyl Spiller-Walsh, the Board voted unanimously to appoint Bob Tucker to the Energy Committee.

Warrant for January 17, 2012:

The Board received a copy of the January 17, 2012 Special Town Meeting Warrant. (See Attached)

The Board discussed Article 1 re: the acquisition of property owned by Henry Wicket and reviewed the summary of the appraisals of Wickett Property of Medway which relates to the Article. (See Attached)

On a motion made by Bob Tucker and seconded by Chan Rogers, the Board voted unanimously to recommend dismissal of this article since there has not been enough time to review and consider if this land is valuable along with the fact that there are significant differences in the appraisals about the value of land.

Consultant Carlucci responded that the number of units included in the most recent appraisal is not accurate based on the 40B formula requiring at least 25% affordable dwelling units.

Correspondence:

- The Board received the Petrini and Associates Quarterly Update of Land Use Law dated January 3, 2012. (See Attached)

Minutes:

December 13, 2011:

On a motion made by Bob Tucker and seconded by Karyl Spiller-Walsh, the Board voted unanimously to accept the minutes from December 13, 2011.

Consulting Planners Report:

Consultant Carlucci communicated that there was a meeting about the Stormwater Regulations for the State and the EPA has pushed the MS4 permit process back to summer 2012.

There is also discussion at the State in relation to a bill to have regulations to not allow phosphorous fertilizer.

Speroni Acres:

The Board discussed the format for the meeting with the Speroni Acres neighbors which is scheduled for Tuesday, January 24, 2012. There will be a brief welcoming and introduction. Dave Pellegrini will explain the drainage history of the site and describe current conditions. There will be a discussion about the future actions and next steps. Tom Holder will then speak about the force main sewer system. This will also include the history, current status, town concerns, and options for the neighborhood management. The last section of the presentation will include discussion about street/infrastructure and acceptance. Susy reported that Town Counsel will be present at the meeting.

2013 Budget:

The Board was provided with a copy of the draft budget for 2013. **(See Attached)**. Susy explained that the Administrative Secretary's position is being upgraded per a determination by the Town Administrator. The Board discussed that the cost of part-time position has increased 15% but no further hours have been added. The Board wants clarity on why their budget is funding another department's position. There was also discussion about what they want the Planning and Economic Development office to be. It is clear that help is needed, but getting the right help is important. It was recommended that the deliverables be defined. The Planning Board also questioned why they are funding a mapping specialist through their budget. The budget will be discussed more at a later date. Susy reminded the Board that the budget is more of a PED office budget than it is a PEDB budget.

Workshop Meetings on Zoning:

The Board will be holding additional meetings on Tuesday, January 31st and February 7th to work on zoning articles for the 2012 annual town meeting.

There will be an Affordable Housing meeting on February 1, 2012.

Adjourn:

On a motion made by Bob Tucker, and seconded by Chan Rogers, the Board voted unanimously to adjourn the meeting at 9:40 pm.

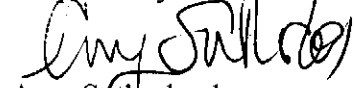
Future Meetings:

The next meetings scheduled are: Wednesday January 18 & and Tuesday 24, 2012.

The meeting was adjourned at 9:40 PM.

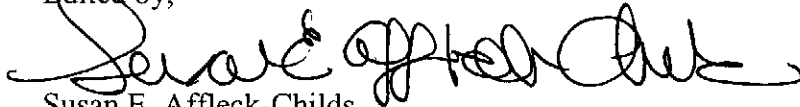
*Minutes of January 10, 2012 Meeting
Medway Planning & Economic Development Board
APPROVED – January 24, 2012*

Respectfully Submitted,



Amy Sutherland
Meeting Recording Secretary

Edited by,



Susan E. Affleck-Childs
Planning and Economic Development Coordinator

IDEAS FOR PRIVATE WAY STANDARDS

REVISED Draft 1-6-2012

PERMANENT PRIVATE WAYS - Construction Standards	CURRENT PERMANENT PRIVATE WAY STANDARDS	Applicable section of Subdivision Rules and Regs	PROPOSED REVISED Private Way Subdivisions 2 & 3 lots	PROPOSED REVISED Private Way Subdivisions 4 & 5 lots	PROPOSED for Small Private Way Condo Developments	PROPOSED for Larger Private Way Condo Developments
Applicability	developments of 3 lots/dwelling units	7.9.1	2 & 3 lots	4 & 5 lots	up to 10 dwelling units	more than 11 dwelling units
Purpose of roadway	Legal frontage and access	NA	Legal frontage and access	Legal frontage and access	Access	Access
Ownership and Responsibility of Road and Stormwater Facilities	Current Practice - private home owners or association		homeowners association	homeowners association	homeowners association	homeowners association
Ownership and responsibility for Water and Sewer Lines in the Private way	Recent practice is that the Town is responsible. DPS is proposing that homeowners become responsible.					
ROW width	STANDARD - 50'	7.9.4 b)	35'	40'	40'	50'
Paved (surfaced) width - 1 way road	no existing standard	NA	NA	NA	14'	14'
Paved (surfaced) width - 2 way road	18'	7.9.7. g)	16' with a clear width of 18'	16' with a clear width of 18'	16' with a clear width of 18'	22' for main road and 16' for side roads

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Dead end length	STANDARD - 600' from the centerline of an intersecting through street	7.9.6. b)	STANDARD - 600' from the centerline of an intersecting through street	STANDARD - 600' from the centerline of an intersecting through street	STANDARD - 600' from the centerline of an intersecting through street; longer if a secondary emergency access is provided	STANDARD - 600' from the centerline of an intersecting through street; longer if a secondary emergency access is provided
Cul de sac - outside paved/surfaced roadway diameter	STANDARD - at least 100'	7.9.4.c)	STANDARD	STANDARD	STANDARD	STANDARD
Cul de sac - property line/ROW diameter	STANDARD - at least 120'	7.9.4.c)	STANDARD	STANDARD	STANDARD	STANDARD
Dead end Turnaround	STANDARD - 24' diameter center landscaped island for cul de sac; hammerhead or T shaped turnaround	7.9.6 e)	center landscaped island for cul de sac NOT required; 20' hammerhead or T shaped turnaround	24' diameter center with landscaped island for cul de sac; hammerhead or T shaped turnaround	24' diameter center with landscaped island for cul de sac; hammerhead or T shaped turnaround	STANDARD - 24' diameter center with landscaped island for cul de sac; hammerhead or T shaped turnaround
Vertical Clearance	no existing standard	no standard	14'	14'	14'	14'
Roadway Apron	no existing standard	no standard	For unpaved roadways, a paved apron is required for 25' into the development from the edge of the ROW	For unpaved roadways, a paved apron is required for 25' into the development from the edge of the ROW	not applicable	not applicable

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PERMANENT PRIVATE WAYS - Construction Standards	CURRENT PERMANENT PRIVATE WAY STANDARDS	Applicable section of Subdivision Rules and Regs	PROPOSED REVISED Private Way Subdivisions 2 & 3 lots	PROPOSED REVISED Private Way Subdivisions 4 & 5 lots	PROPOSED for Small Private Way Condo Developments	PROPOSED for Larger Private Way Condo Developments
Road composition & materials		7.9.7	<p>Paving not required. If paved, roadway materials and depths shall meet the standard "Permanent Private Roadway Typical Section" detail.</p> <p>If roadway is not paved, the 4" of bituminous concrete pavement may be replaced with a processed gravel. Processed gravels may consist of dense graded crushed stone meeting the Massachusetts Department of Transportation specification M2.01.7)</p>	<p>Paving not required. If paved, roadway materials and depths shall meet the standard "Permanent Private Roadway Typical Section" detail.</p> <p>If roadway is not paved, the 4" of bituminous concrete pavement may be replaced with a processed gravel. Processed gravels may consist of dense graded crushed stone meeting the Massachusetts Department of Transportation specification M2.01.7)</p>	Hot mix asphalt/Cape Cod berm	Hot mix asphalt/Cape Cod berm

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Curbing/edge treatment	Hot mix asphalt/Cape Cod berm	7.10.2	Not required if road is not paved or if LID drainage is used. If paved then hot mix asphalt/Cape Cod berm	Not required if road is not paved or if LID drainage is used. If paved then hot mix asphalt/Cape Cod berm	Not required if road is not paved or if LID drainage is used. If paved then hot mix asphalt/Cape Cod berm	Hot mix asphalt/ Cape Cod berm
Stormwater management	STANDARD	7.7	STANDARD; allow drainage to exist within road parcel; LID optional	STANDARD; allow drainage to exist in road parcel; LID optional	STANDARD; LID optional	STANDARD; LID optional
Sidewalks within the development	not required	7.13.2	not required	not required	not required	conventional sidewalks or install meandering walkways instead of set sidewalks to retain key features/trees
Grass strip between curb and sidewalk	not required	7.13.2	not required	not required	not required	not required
Walkways/bikeways to connect to adjacent neighborhoods	May be required at PB's discretion	7.22	If required - ADA and AAB compliant	If required - ADA and AAB compliant	If required - ADA and AAB compliant	If required - ADA and AAB compliant

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Sidewalks on frontage of the existing way on which the property fronts	STANDARD - required to be constructed or payment in lieu of to Sidewalk Account	7.13.3	NEW STANDARD - required to be constructed or a payment in lieu is made to Sidewalk Account, or existing sidewalk is replaced if Town Engineer determines there is a safety hazard	NEW STANDARD - required to be constructed or a payment in lieu is made to Sidewalk Account, or existing sidewalk is replaced if Town Engineer determines there is a safety hazard	NEW STANDARD - required to be constructed or a payment in lieu is made to Sidewalk Account, or existing sidewalk is replaced if Town Engineer determines there is a safety hazard	NEW STANDARD - required to be constructed or a payment in lieu is made to Sidewalk Account, or existing sidewalk is replaced if Town Engineer determines there is a safety hazard
Minimum intersection/corner radii	28' for intersection and 40' for curb radii	7.9.2. d)	28' P/L and/or 25' curb radius as deemed appropriate under 7.9.2.d)	28' P/L and/or 25' curb radius as deemed appropriate under 7.9.2.d)	28' P/L and/or 25' curb radius as deemed appropriate under 7.9.2.d)	28' P/L and/or 40' curb radius as deemed appropriate under 7.9.2.d)
Minimum Horizontal Centerline Radii	150'	7.9.2. b)	150'	150'	150'	150'
Maximum Centerline Grade	0.08	7.9.5.b)	0.08	0.08	0.08	0.08
Design Speed - Should this vary depending on type of road material/pavement?? Dave P to check	25 mph	Table CD-1	25 mph	25 mph	25 mph	25 mph

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Driveways	STANDARD	7.11.1	STANDARD - Common driveways allowed	STANDARD - common driveways allowed	STANDARD - common driveways allowed	STANDARD - common driveways allowed
Street Trees	STANDARD - 3 trees per lot set back at least 6' behind the ROW line	7.19.2	3 trees per lot. May be planted in the ROW but outside the 18' clear width area	STANDARD - 3 trees per lot set; May be back at least 6' behind the ROW line or planted in the ROW but outside the 18' clear width area	2 trees for every 50 linear feet of roadway to be planted on both sides of the street	2 trees for every 50 linear feet of roadway to be planted on both sides of the street
Street lights	STANDARD	7.21	pedestrian scale post light at end of each driveway	pedestrian scale post light at end of each driveway	STANDARD	STANDARD
Sewers						
Water						

REVISED 1-6-2012

NOTE - STANDARD means that the existing regular standards of the Subdivision Rules and Regs apply and that there are no existing special private way standards for this particular feature of a private way

dna = does not apply

"Clear Width" - Roads designed with a paved width of less than 18' shall maintain a minimum clear width of 18'. The area within the clear width shall be free from potential obstructions such as retaining walls, trees, bushes, light poles, etc.

IDEAS FOR PRIVATE WAY STANDARDS

REVISED Draft 1-6-2012

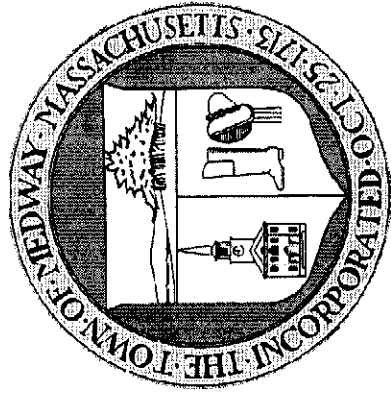
ISSUES/IDEAS TO DISCUSS

Evaluate each site and the adjacent vacant area for the potential capability of the small private way roadway to serve as access to additional units in the future. In those

Allow for roadway surface to not have to be centered within the ROW so that key site features can be retained

Allow for periodic pullovers along roadway shoulders in lieu of widely paved roads

Who should own and maintain the water and sewer lines located within a private way developments? Medway DPS is advocating that a homeowners association, not the Town, be responsible for repairs to the water and sewer lines beyond the public ROW.



Town of Medway

Economic Development
Committee

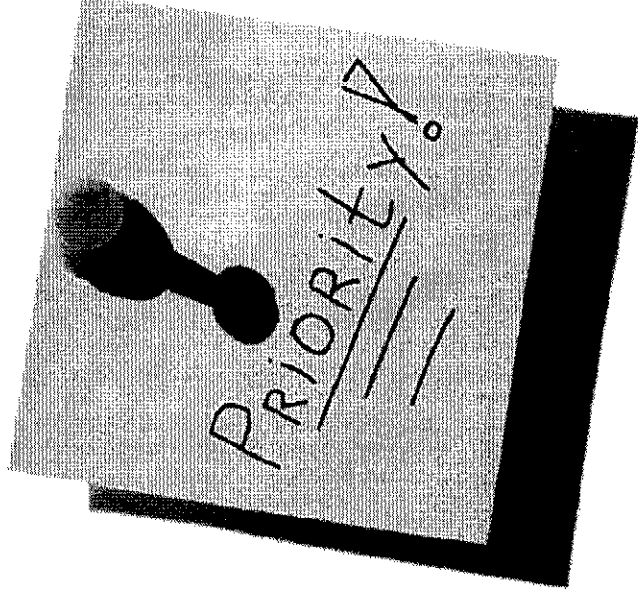


Economic Development Committee

Member	Address	Description
Paul Yorkis	7 Independence Lane	Owner, Patriot Real Estate
Ray Himmel (Ch)	50 Cedar Farms Road	Waters Corporation, Milford
Kent Scott	14 Skyline Drive	Griffin Electric, Holliston
James Byrnes	21 High Street	Mass Technology Collaborative
Ann Sherry (V Ch)	2 Newton Lane	Charles River Bank, Medway
Andy Rodenhiser	104 Fischer Street	Rodenhiser Plumbing Heating and Air Conditioning
Ken Bancewicz	Non-resident	Facilities manager, CYBEX

Economic Development Committee

Priorities for 2011/2012



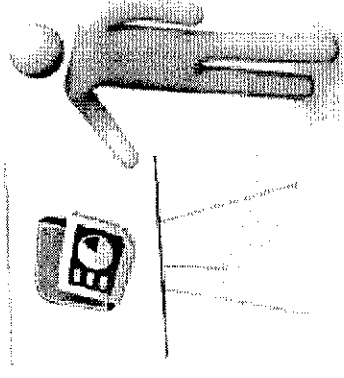


2011/2012 EDC Priorities

1. Marketing Collateral
 - Power Point Presentation
 - Brochure
2. Oak Grove Bottle Cap Lots
3. Website Update
4. Promote Medway Externally
5. Promote Medway Internally
6. By-Law Improvements

Marketing Collateral


- Powerpoint Presentation
- Medway's assets
- Key Town Data
- List of Commercial properties
- List of Established Business and their trade
- What makes Medway Attractive?
- Key Contact (s) to Facilitate business in Medway (get things done)
- Website for additional business and support
- Tax Incentives
- Brief Overview of a typical investment path into the town





Oak Grove Bottle Cap Lots

- Advocate/Plan
 - Site specific planning efforts that would improve and lead to more economic development on these lots
- Reach Out
 - To realtors and industrial developers for investment opportunities on the lots



Website Update

- Interactive website with key economic driver information
- Contact person to instigate a site selection process
- Ability to send an email to the committee or site selection

Promote Medway Externally

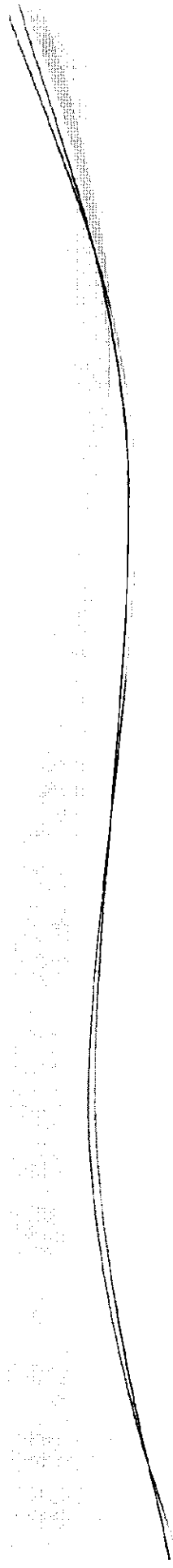
- Have a concrete investment opportunity to communicate
- Obtain a list of Industrial/Commercial Investors
- Liaise with the Real Estate Community
- Develop an investment opportunity
 - Biotech Incubators
 - Mixed use Real Estate
 - Alternative Energy Lot





Promote Medway Internally

- Communicate group efforts to the town and business community
- Retain existing business base
- Meet with the current Medway business owners to increase communication
 - Arthur Roberts – Mass Office of Business Development
 - Visit existing businesses



By-law Improvements

- Comprehensive review of the PEDB rules, regulations, policies and fees in order to facilitate economic development
- Review zoning bylaw parking requirements, Sign bylaw and permit bus stop shelters
- Permit residential duplex housing to promote affordable housing
- Consider “mixed use” development zoning for the east side of Summer Street north of Adams Street



Assignments

- Marketing Collateral – Ray Himmel, Ann Sherry
- Oak Grove Bottle Cap Lots – Andy Rodenhiser, Ray Himmel
- Promote Medway Externally – Kent Scott, Ann Sherry, Ken Banciwicz, Ray Himmel
- Promote Medway Internally – Ray Himmel, Ann Sherry, Kent Scott
- Bylaw Improvements – Paul Yorkis
- Website Update – James Byrnes, Susy Affleck-Childs

Proposed Budget FY2013

FY 13 Budget for Economic Development			
Budget Categories	Option A \$	Option B \$	Notes
Part Time Employee	\$ 30,000.00		19 hours a week
Consulting/Contracted Services	\$ 10,000.00	\$ 50,000.00	
Professional development -	\$500		
Books/Resource materials	\$200		
Travel	\$500		
Office Supplies	\$300		
Printing	\$250		
Business Development Expenses	\$500		
	\$ 42,250.00	\$ 50,000.00	

Economic Development Specialist

SUMMARY - Provide professional, technical, marketing and administrative work to encourage economic development in Medway

- Develop and manage data bases of information related to economic development – inventory of sites, census and other data sources
- Serve as liaison with various organizations (495 MetroWest Partnership, Medway Business Council, MetroWest Tourism, Mass Office of Business Development, MassDevelopment, etc.)
- Assist with grant writing tied to economic development
- Respond to inquiries for space, land, pad sites, etc.
- Develop marketing tools/products to promote Medway including maintenance of web site
- Develop and maintain contact with existing Medway businesses
- Provide a wide range of technical assistance to support existing businesses to expand and new businesses to locate in Medway – financing, job training, etc.

Questions and Answers





TOWN OF MEDWAY
Planning & Economic Development
155 Village Street
Medway, Massachusetts 02053

MEMORANDUM

January 6, 2012

TO: Medway Planning and Economic Development Board
FROM: Susy Affleck-Childs
RE: Warrant Articles for 2012 Annual Town Meeting

Street Acceptance
Claybrook II
Hartney Acres

Zoning Bylaw Amendments

Zoning articles submitted for the fall 2011 special town meeting that were not placed on the warrant. These are all ready to go:

- Rezone area west of I-495 from AR1 to Ind. III
- Allow home based businesses in Commercial III, IV and Bus/Industrial
- Allow accessory family dwelling units in Commercial III and IV

Other Zoning articles I recommend we prepare for submittal

- OSRD revisions
- Affordable Housing revisions
- NEW - Estate/Back Lots
- NEW - Definitions
- Revision to Flood Plain section to reference new National Flood Insurance Maps

Future Zoning Bylaw Work – Spring 2013 Town Meeting

- Updated parking standards (per forthcoming MAPC report)
- NEW - Outdoor dining
- Revise Accessory family dwelling units (as recommended by Town Counsel)
- NEW - Use tables
- Changes re: infill zoning for Affordable Housing
- NEW - Village Residential Zoning District
- NEW multi-family special permit for renovation of larger residential structures in Medway's two historic districts
- Series of zoning map changes – clean-ups
- Rezone selected parcels to provide for more business/industrial opportunities
- Establish an administrative site plan review option (for very small projects)

Longer Term Zoning Work

- Traditional Neighborhood Development Overlay Special Permit
- Oak Grove Mixed Use Overlay District
- Route 109 Mixed Use Overlay District

**TOWN OF MEDWAY
WARRANT FOR JANUARY 17, 2012
SPECIAL TOWN MEETING**

NORFOLK ss:

To either of the Constables of the Town of Medway

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of said Town who are qualified to vote in Town affairs to meet at the **Medway High School, 88 Summer Street, on Tuesday, January 17, 2012** at 7:00 PM, then and there to act on the following articles:

ARTICLE 1: (Citizens' Petition – Purchase 126.9 Acres of Land)

To see if the Town will purchase and/or direct the Selectmen to purchase a parcel of vacant land containing approximately 126.9 acres which said acreage is based on an engineering plan entitled "OSRD CONCEPT SKETCH 'B' FAIRWAY LANE, MEDWAY, MASSACHUSETTS," drawn by Faist Engineering, Inc. The subject lot has frontage at 98 Winthrop Street, 13 Ohlson Circle, 21 Fairway Lane, and 11 Woodland Road. The parcels are numbered and shown as follows:

<u>MAP</u>	<u>BLOCK</u>	<u>LOCATION</u>	<u>AREA</u>	<u>BOOK</u>	<u>PAGE</u>
5	308	13 Ohlson Circle	85,031 sq. ft.	18196	542
5-4	308	21 Fairway Lane	13,416 sq. ft.	13071	203
7-4	4E	11 Woodland Rd	415,998 sq. ft.	22145	114
8-4	3+8	0 Woodland Rd	3,049,200 sq. ft.	6607	537
8	9	0R Woodland Rd	544,500 sq. ft.	9472	202

Said purchase price to be \$3,600,000.00 with terms and payment schedule to be determined by the owner of said property and the Board of Selectmen.

HENRY L. WICKETT JR., ET AL.

BOARD OF SELECTMEN RECOMMENDATION: DISMISS

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 2: (Free Cash Appropriation: Fund Oak Grove Title Exams)

To see if the Town will vote to appropriate the sum of \$21,000 from Fiscal Year 2011 Certified Free Cash for the purpose of funding title research, mapping, and land survey work pertaining to the Oak Grove/Bottle Cap Lots area in Medway, or to act in any manner relating thereto.

**BOARD OF ASSESSORS/
PLANNING AND ECONOMIC DEVELOPMENT BOARD**

BOARD OF SELECTMEN RECOMMENDATION: APPROVE

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 3: (Free Cash Appropriation: Repay Deputy Collector Agency Account)
To see if the Town will vote to appropriate the sum of \$24,932 from Fiscal Year 2011 Certified Free Cash and to transfer said amount to the Fiscal Year 2012 Deputy Collector Agency Account, or act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: APPROVE

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 4: (Free Cash Appropriation: Fund IT Maintenance and Repair Account)
To see if the Town will vote to appropriate the sum of \$10,000 from Fiscal Year 2011 Certified Free Cash to fund the Information Technology Maintenance and Repair Account, or to act in any manner relating thereto.

BOARD OF SELECTMEN

BOARD OF SELECTMEN RECOMMENDATION: APPROVE

FINANCE COMMITTEE RECOMMENDATION:

ARTICLE 5: (Budget Transfer: Claybrook II Street Acceptances)
To see if the Town will vote to transfer the sum of \$17,500 for the purpose of funding expenses related to street acceptance for the Claybrook II subdivision, said funds to be transferred from the remaining unused funds appropriated under Article 5 of the June 2011 Town Meeting for the Birch Hill Road Acceptance Account, and the remainder transferred from the Town's Fiscal Year 2012 Legal Expense Account, or to act in any manner relating thereto.

PLANNING AND ECONOMIC DEVELOPMENT BOARD

BOARD OF SELECTMEN RECOMMENDATION: APPROVE

FINANCE COMMITTEE RECOMMENDATION:

And you are hereby directed to serve this warrant by posting printed attested copies thereof at two locations in each precinct at least FOURTEEN days before the day of said meeting. Hereof fail not and make due return of this warrant with your doings thereon to the Clerk of said Town at or before the time of said meeting.

Given under our hands in Medway, this 3rd day of January 2012.

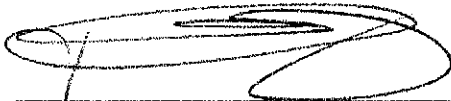
A TRUE COPY:

SELECTMEN OF THE TOWN OF MEDWAY



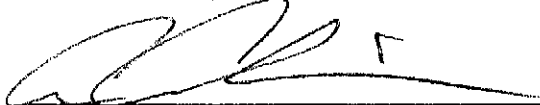
John Foresto, Chairman

Glenn Trindade, Vice Chairman



Dennis Crowley, Clerk

Dennis Crowley, Clerk

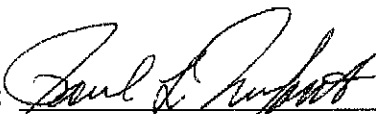


Andrew Espinosa, Member

Andrew Espinosa, Member

Richard Dunne, Member

ATTEST:



Paul Trufant, Constable

Summary of Appraisals of Wickett Property in Medway

Appraiser	Date	Value	Client	Land Area	Build Out
Handverger & Associates	1/7/2011	\$ 3,550,000	Henry Wickett	126.9 acres	40B - 91 market rate and 14 affordable = 105 (11 single family units & 94 duplex units)
Crosswhite					
Property Advisors	9/22/2010	\$ 1,850,000	Henry Wickett	127 acres	Conventional - 36 market rate + 6 affordable = 42
			Trust for Public		
Prospectus, LLC	10/13/2009	\$ 1,680,000	Lands	124 acres	Conventional - 35 market rate + 6 affordable = 41
<i>compiled by sac - 1/9/2012</i>					

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To: Board of Selectmen
Town Manager/Administrator/Executive Secretary
Planning Board
Board of Appeals
Building Commissioner

From: Barbara J. Saint André

Date: January 3, 2012

Re: Quarterly Update on Land Use Law

This Quarterly Update on Land Use Law sets forth a brief overview of relevant land use and zoning decisions issued by the Supreme Judicial Court (SJC) and Appeals Court in the months of October, November and December of 2011. This memorandum does not include every decision involving land use issued by the Massachusetts appellate courts. Some decisions were omitted if they were purely procedural in nature or did not provide any new substantive analysis. Selected Land Court decisions are also included. Although these are not appellate cases and therefore not binding precedent, they often provide useful guidance.

ZONING

Connors v. Annino, 460 Mass. 790 (2011)

In this case, the court ruled that a person that has adequate notice of the issuance of a building permit and claims to be aggrieved by it must appeal within thirty days, rather than bring a later request for zoning enforcement. Connors was concerned about plans by his abutter, Annino, to demolish his house and build a larger one. Connors wrote to the building commissioner while the building permit application was pending, urging him to deny it. The commissioner issued two building permits on September 15, 2008, and Connors learned of them on September 25, 2008. On October 1, 2009, Connors received a response from the building commissioner to his letter, in which the building commissioner stated that the permits were properly issued. On October 20, 2008, 35 days after the building permits were issued, Connors filed a petition with the zoning board of appeals (ZBA) under G.L. c. 40A §8, purporting to appeal the commissioner's letter. The board dismissed the appeal, stating that Connors failed to bring the appeal in a timely

fashion, and Connors filed an appeal with the Land Court. The Land Court dismissed the action, finding that Connors had filed his appeal with the ZBA too late.

The Supreme Judicial Court (SJC) agreed to hear the case on direct appellate review. General Laws chapter 40A, §8 allows an aggrieved party to appeal to the ZBA from an inability to obtain enforcement from the building commissioner or from an order or decision of the building commissioner. Any appeal of the issuance of a building permit must be made within 30 days after the permit was issued. Connors contended that he had the option to submit a written request for zoning enforcement to the building commissioner, and, upon its denial, appeal to the ZBA within 30 days of that response. However, given the six year statute of limitations under G.L. c.40A, §7, this interpretation would allow an aggrieved party to wait six years to file the enforcement request and subsequent appeal. The SJC ruled that a party that has adequate notice of the issuance of a building permit must file an administrative appeal within 30 days of the issuance, and failure to do so deprives the ZBA and the courts of jurisdiction to consider the appeal. In this case, Connors had 20 days from the date that he learned of the issuance of the building permits to appeal, which the court determined was indeed adequate.

In addition, the SJC found that the letter to the building commissioner was not an enforcement request under G.L. c. 40A, §7 because there was no alleged zoning violation at that time. Accordingly, it could not in any event be the basis for an appeal under §8.

Killorin v. Zoning Board of Appeals of Andover, 80 Mass. App. Ct. 655 (2011)

The court denied an attempt by plaintiffs to modify or remove conditions imposed in a special permit granted in 1940. The special permit allowed a parcel of land existing in 1940 to be subdivided into six lots. It also permitted the large colonial house on lot 1 to be converted into eight apartments, on the condition that, so long as the apartment house was maintained on the lot, lot 1 could not be further subdivided and could contain only the existing building, with no other buildings other than an eight car garage. The zoning board of appeals in 2007 and 2008 denied plaintiff's applications for modification of the special permit. Plaintiff appealed each denial under G.L. c. 40A, §17 and the cases were consolidated.

Plaintiff argued that the conditions in the special permit were no longer enforceable by operation of G.L. c. 184, §23, which provides that conditions or restrictions shall be limited to 30 years from the date of the deed or other instrument creating them. The court, however, determined that conditions included in a variance or special permit decision are not created by deed or other instrument, and therefore are not subject to the 30 year limitation. On the merits of the appeal, the court upheld the decisions of the ZBA, as the court could not "say with confidence or assurance that the board abused its considerable discretion when it denied a request to change long-standing restrictions imposed as part of an earlier approval for zoning relief."

SUBDIVISIONS

Fox Gate, LLC v. Millbury, 2011 WL 6016246 (Land Court 2011)

This case involved an unfinished subdivision that was sold at foreclosure by the mortgagee. Plaintiff acquired the subdivision after foreclosure, and was asked by the planning board to provide surety under G.L. c.41, §81U to ensure the completion of the roads and utilities in the subdivision. Plaintiff refused, telling the town that it should seize the bond posted by the prior owner and use those proceeds to complete the subdivision. The company that provided the bond for the prior owner, however, informed the town that the bond was non-assignable, and did not cover the obligations of the new subdivision owner. Lacking an enforceable surety, the planning board voted to request that all building permits be denied for the subdivision. When the building inspector denied a building permit for one of the lots, plaintiff appealed to the zoning board of appeals, which denied the appeal. Plaintiff then filed an appeal under G.L. c. 40A, §17, as well as an action for mandamus to require the building inspector to issue the permit.

The Land Court granted summary judgment in favor of the defendants. It determined that when plaintiff acquired the subdivision, it also acquired the obligation to complete the subdivision, regardless of any bond given by a prior owner. The court rejected plaintiff's argument that a private party could require a town to enforce whatever rights it might have had under the bond from the prior owner. The court noted that the language of §81U states that a bond "may" be enforced, and that enforcement is up to the discretion of the town. It further upheld the denial of the building permit under G.L. c. 41, §81Y, which provides that the building inspector shall not issue a building permit until satisfied that any condition endorsed on the subdivision plan limiting the right to erect buildings on the lot has been satisfied or waived by the planning board. The condition requiring security was endorsed on the subdivision plan, and had not been satisfied. The planning board properly looked to plaintiff, as owner, to provide the security.

2011.12.30 Quarterly land use update (2700-07)

BUDGET PROJECTION 20131 FY2013 GENERAL FUND BUDGET PROJECTION

ORG	OBJECT PROJ	ACCOUNT DESCRIPTION	CURRENT ADJ BUDGET	PROJECTED ACTUAL	PERCENT CHANGE
011750015110		PLAN BD FULL TIME SALARIES	64,926.00	59,301.00	-1.52
0001-01-175-000-1-000-000-5110		Planning and Economic Development Coordinator			
		Grade 10 - Step 4			
		40 hrs/week 52 weeks/year			
		\$29.81/hr x 1040 hours = \$31,002.40 (July - Dec 2012)			
		\$31.67/hr x 1040 hours = \$32,936.80 (Jan - June 2013)			
		Step increase to Grade 10 Step 5 effective 1/1/2013			
Total = \$63,939.20					
011750015111		PLAN BD PART TIME SALARIES	21,000.00	21,000.00	15.05
0001-01-175-000-1-000-000-5111		Administrative Secretary - 1/2 time position			
		I propose reclassifying this position from Grade 5/Step 5			
		at \$20.07/hr to Grade 7/Step 4 @ \$23.23/hour			
		\$23.23 x 1040 hours = \$24,159.20			
		Proposed new job title - Administrative Assistant & Mapping Specialist			
011750015150		PLAN BD FRINGE LONGEVITY	250.00	250.00	20.00
0001-01-175-000-1-000-000-5150		Susan Affleck-Childs \$ 250			
		Fran Hutton Lee \$ 50 (half of the total of \$100)			
011750025304		PLAN BD LEGAL EXPENSES	.00	.00	.00
0001-01-175-000-2-000-000-5304					
011750025305		PLAN BD CONSULTING SERVICES	3,006.00	3,006.00	-.20
0001-01-175-000-2-000-000-5305					
011750025306		PLAN BD ADVERTISING	1,000.00	1,000.00	-25.00
0001-01-175-000-2-000-000-5306					
011750025342		PLAN BD COPYING BINDING	315.00	315.00	-36.51
0001-01-175-000-2-000-000-5342					
011750025383		PLAN BD CONTRACTED SERVICES	10,180.00	10,180.00	-31.24
0001-01-175-000-2-000-000-5383					
011750025384		PLAN BD MAPPING	788.00	788.00	-36.55
0001-01-175-000-2-000-000-5384					

BUDGET PROJECTION 20131 FY2013 GENERAL FUND BUDGET PROJECTION

ORG	OBJECT PROJ	ACCOUNT DESCRIPTION	CURRENT ADJ BUDGET	PROJECTED ACTUAL	PERCENT CHANGE
011750025420	0001-01-175-000-000-2-000-000-5420	PLAN BD OFFICE SUPPLIES	600.00	600.00	-16.67
011750025521	0001-01-175-000-000-2-000-000-5521	PLAN BD BOOKS	210.00	210.00	-4.76
011750025710	0001-01-175-000-000-2-000-000-5710	PLAN BD INSTATE TRAVEL	135.00	135.00	-25.93
011750025730	0001-01-175-000-000-2-000-000-5730	PLAN BD DUES SUBSCR MTGS	500.00	500.00	-20.00
011750025851	0001-01-175-000-000-2-000-000-5851	PLAN BD OFFICE EQUIPMENT	500.00	500.00	-20.00
BUDGET CEILING:			103,410.00	103,410.00	
TOTALS:			103,410.00	97,785.00	-1.90

** END OF REPORT - Generated by Susan Affleck-Childs **